

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANIEL N. CHESTERMAN,

Plaintiff,

v.

CAROLINE W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. 14-5015 BJR-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF 22). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further administrative proceedings, including a *de novo* hearing.

This Court recommends that on remand, the Administrative Law Judge (ALJ) will further evaluate the medical opinions of record, including the opinions of Tasmyn Bowes, Psy.D., and Kimberly Wheeler, Ph.D. The ALJ will reevaluate Plaintiff's mental impairments pursuant to 20 C.F.R. § 416.920a, and reconsider the credibility of Plaintiff's allegations in accordance with 20 C.F.R. §§ 416.927 and 416.929, as well as Social Security Ruling (SSR) 96-7p. Further, the ALJ will reassess Plaintiff's residual functional capacity pursuant to 20 C.F.R. § 416.945 and obtain

1 vocational expert evidence at step five of the sequential evaluation process in accordance with 20
2 C.F.R. § 416.966 and SSR 00-4p.

3 This case is reversed and remanded on the above grounds pursuant to sentence four of 42
4 U.S.C. § 405(g), and Plaintiff is entitled to reasonable attorney's fees and costs pursuant to 28
5 U.S.C. § 2412(d), upon proper request to this Court.

6
7 Given the fact of the parties' stipulation, the Court recommends that the District Judge
8 immediately approve this Report and Recommendation and order the case **REVERSED** and
9 **REMANDED**. A proposed order accompanies this Report and Recommendation.

10 DATED this 2nd day of June, 2014.

11
12 
13 Karen L. Strombom
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25
26